

REMARKS

The present amendment is submitted in response to the Office Action dated October 19, 2007, which set a three-month period for response, making this amendment due by January 19, 2008.

Claims 15-17 and 19-32 are pending in this application.

In the Office Action, the Examiner requested a hard copy of substitute Figs. 1-8. Claim 18 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The previous allowance of claims 4 and 5 was withdrawn in view of newly discovered art. Claims 15-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,172,472 to Klingbeil.

Turning first to the request for the hard copies of substitute Figs. 1-8, the Applicants will forward the requested drawings.

Looking next at the rejection of claim 18 under Section 112, second paragraph, the Applicants respectfully submit that the Examiner appears to have misread the claim. Claim 15, from which claim 18 depends, recited a sensor unit 9 that has a current-measuring device 23. Claim 18 further recites that this same sensor unit 9 has a strain gauge and/or piezoelectric sensor. This language also was recited in the claims as originally filed in the U.S. (as well as in the German language version of the original claims of the priority application). The subject matter of claims 15, 16, and 18 are not mutually exclusive, since the disclosed sensor unit 9 may comprise more than one variety of sensor. As such, the

restriction made by the Examiner with respect to claim 18 also is inappropriate and certainly was made without the consent of the Applicants.

As a result of the above misinterpretation, the Examiner has failed to meet the burden of establishing a case of *prima facie* obviousness, since the cited prior references do not disclose or suggest each and every element recited in claim 18. In addition, other arguments or rationales, including official notice, have not been presented in the Office Action.

In the present amendment, claim 15 was amended to incorporate the limitations of claim 18 and is therefore in condition for allowance. Claim 18 has been canceled.

Claim 16 has been amended to incorporate the allowable subject matter of claim 18, but to omit the limitation that the sensor unit 9 also has a current measuring device. This subject matter instead is recited in new dependent claim 29. None of the prior art references cited by the Examiner discloses the recited strain gauge and/or piezoelectric sensor.

The Examiner acknowledges that claims 22 and 23 recite different species than claim 21. However, the argument that the non-allowability of one species renders all other species obvious is incorrect. There is no basis for this conclusion in the relevant patent laws nor is this a proper rationale for supporting a conclusion of obviousness as required in MPEP Section 2143. This point is made moot, however, by the fact that claim 21 depends from claim 20 and amended claim 15 and is therefore allowable.

New dependent claims 30 and 31 recite particular species of claim 15. None of the cited prior art discloses an acoustical signal transducer as in claims 20, 22, 23 or new claim 30 or one that calls on the sense of touch as recited in new claim 31.

Claims 24-26 and new claim 32 recite control and/or regulation by a control and/or regulating unit 20 **as a function of the contact pressure**. None of the cited art discloses this *functional relationship*. For example, the means for adjusting motor speed or motor torque in Klingbeil are defined as either a user-adjustable potentiometer or a switch (see claims 3-5 of Klingbeil). Therefore, no *prima facie* case of obviousness has been established for any of these claims.

Claim 27 was amended to recite the step of automatically adjusting the rotary speed of the electric motor as a function of the contact pressure. This amendment and new claim 32 are supported by the original specification on page 15, lines 25-27.

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any questions or comments, the undersigned would very much welcome a telephone call to resolved any remaining issues in order to expedite placement of the application into condition for allowance.

Respectfully submitted,
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